



One Minute Guide



Personal Budgets and Direct Payments, and who can make a request?

Personalisation is at the heart of the [Children and Families Act 2014](#) starting with the person as an individual with strengths, preferences and aspirations, identifying their needs and making choices about how they are supported.

For those children and young people who have an EHC plan the LA can be required to identify a personal budget. This is the notional amount of money needed to make any of the special educational provision for them as specified in their EHC plan.

Parents or young people can also request that an LA consider making a direct payment to them in lieu of special educational provision so that they can arrange it themselves. This will be an actual payment of money instead of the LA arranging for the provision to be delivered.

A request for the LA to identify a personal budget or consider making a direct payment can be made at two specific times. First when a child or young person is undergoing an EHC needs assessment or secondly when the EHC plan is being reviewed.

Information about the availability of personal budgets is contained in the LA's local offer.

Where the provision proposed to be replaced by a direct payment takes place in a school or college setting, the consent of the head teacher or principal of the named school or other institution is required.

What does the law say?

The Children and Families Act 2014 gives a family the right to request a personal budget when an education health and care plan (EHCP) is being prepared or reviewed. In Leeds we are happy to discuss Personal Budgets at any point. The law gives the right to request an indicative budget; this is the amount of money that is needed to meet the child or young person's needs. The law describes a number of ways this budget may be made available:

- A direct payment to the family
- A payment to a third party to organise on behalf of the family
- An arrangement where the local authority organises support in the way the family chooses
- Any combination of the above
- The use of funds is regulated by the Special Educational Needs (Personal Budgets) Regulations 2014

Detailed information about direct payments and personal budgets is contained in the SEN and Disability Code of Practice 2015 (Chapter 9) and in a set of regulations which specifically apply to direct payments and personal budgets, The Special Educational Needs (Personal Budgets) Regulations 2014. The Special Educational Needs (Miscellaneous Amendments) Regulations 2014 amended these regulations, and permitted LAs to refuse personal budgets in some circumstances.



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Decision to make direct payments

A local authority may only make direct payments where a request has been made for direct payments to be made, and the authority is satisfied that:

- the recipient will use them to secure the agreed provision in an appropriate way
- where the recipient is the child's parent or a nominee, that person will act in the best interests of the child or the young person when securing the proposed agreed provision
- the direct payments will not have an adverse impact on other services which the local authority provides or arranges for children and young people with an EHC plan which the authority maintains
- securing the proposed agreed provision by direct payments is an efficient use of the authority's resources.

A local authority may only make direct payments in respect of the special educational provision specified in an EHC plan and may not make direct payments for the purpose of funding a place at a school or post-16 institution.

Decisions not to make direct payments

Where a local authority decides not to make direct payments it must:

- inform in writing the child's parent or the young person of its decision
- the reasons for its decision and the right to request a review of the decision
- where requested to do so, review its decision and in carrying out the review consider any representations made by the child's parent or the young person and inform in writing the child's parent or the young person of the outcome of the review giving reasons

Key contacts & more information

For general enquiries and more information about EHCPs, monitoring and quality assurance, you can contact

SENART@wakefield.gov.uk

or call 01924 302 465.

For general and specific enquiries regarding SEND funding, you can contact:

SENcentralteam@wakefield.gov.uk.